

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HAROLD L. HANSEN

Appeal No. 2000-0423
Application No. 09/016,245

ON BRIEF

Before HAIRSTON, JERRY SMITH, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 2 and 5 through 16.

The disclosed invention relates to a timing circuit and to a software controlled timer that connects/disconnects power to an apparatus at a preselected time.

Claims 1 and 11 are illustrative of the claimed invention, and they read as follows:

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1. An apparatus comprising:

a scanner;

an exposure lamp in the scanner;

a computer;

an electrical-power-control circuit
connected to the computer, an electrical-
power source, and the exposure lamp; and

a software program running on the computer,
the software program providing instructions
to the electrical-power-control circuit to
connect electrical power from the
electrical-power source to the exposure
lamp at a preselected time.

11. An apparatus comprising:

a scanner;

an exposure lamp in the scanner;

a timing circuit; and

an electrical-power-control circuit
connected to an electrical-power source,
the timing circuit, and the exposure lamp.

The reference relied on by the examiner is:

Tung
3, 1997

5,636,040

Jun.

Claims 1, 2 and 5 through 16 stand rejected under 35
U.S.C. § 102(e) as being anticipated by Tung.

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Reference is made to the briefs (paper numbers 14 and 16) and the answer (paper number 15) for the respective positions of the appellant and the examiner.

OPINION

As indicated supra, all of the claims on appeal require either a timing circuit (claims 11 through 16) or a computer controlled timer that connects/disconnects power to an apparatus at a preselected time (claims 1, 2 and 5 through 10). Appellant argues (brief, pages 4 and 5) that the Tung control circuit is not used as a timing circuit or to connect or disconnect electrical power to the lamp 136. According to appellant (brief, pages 3 and 4), "*Tung* uses the value of the physical parameter (i.e., the intensity of the lamp output) TO ADJUST, NOT TURN ON OR OFF, the level of power to the lamp in order to 'adjust the intensity of the light **119** irradiated by the lamp **136**' (see *Tung* col. 3, lines 4-5)." We agree. The examiner's contentions (answer, page 7) to the contrary notwithstanding, the software program running on computer 15 in Tung does not provide any instructions to the microprocessor 114 "to connect electrical power from the power

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source 130 to an exposure lamp (136) at a preselected time
(the time when the intensity of the lamp drifts downward[])."

In summary, the 35 U.S.C. § 102(e) rejection of claims 1,
2 and 5 through 16 is reversed because each and every
limitation of the claimed invention is not disclosed by Tung.
Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 1047, 34 USPQ2d
1565, 1567 (Fed. Cir.), cert. denied, 516 U.S. 3378 (1995).

DECISION

The decision of the examiner rejecting claims 1, 2 and
5 through 16 under 35 U.S.C. § 102(e) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
JERRY SMITH)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
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)	
HOWARD B. BLANKENSHIP)	
Administrative Patent Judge)	

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KWH:hh

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